

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CENTRAL LABORERS' PENSION,)
WELFARE AND ANNUITY FUNDS ,)

Plaintiffs,)

vs.)

No. 07-cv-328 JPG-CJP

JLR CONCRETE SERVICE, INC., JEFF)
RAMAGE, individually, and JULIE RAMAGE,)
individually,)

Defendants.)

MEMORANDUM AND ORDER

This matter comes before the Court on plaintiff Central Laborers' Pension, Welfare and Annuity Funds' First Motion for Default Judgment (Doc. 13) against defendants JLR Concrete Services, Inc., Jeff Ramage, individually, and Julie Ramage, individually.

In the complaint and in the motion for default judgment, the plaintiffs seek an award of \$20,898.82 for delinquent contributions, liquidated damages, report form shortages and attorney's fees. There was evidentiary support for a separate award of attorney's fees and costs in the amount of \$2,030.01, but because there was no evidentiary support for the award of delinquent contributions or liquidated damages, the Court ordered the plaintiffs to supplement their motion for default judgment on or before November 30, 2007. On November 29, 2007, the plaintiffs submitted the affidavit of Dan J. Koeppel, the Employer Contributions Department Director for the plaintiffs, stating that the known delinquent contributions and liquidated damages the defendants owe the plaintiffs, reduced by the defendants' overpayment,

amounted to \$20,898.82. The plaintiffs requested additional time to conduct an audit to determine the amount of other delinquent contributions and liquidated damages about which they were not aware at the time.

The Court allowed the plaintiff additional time to complete an audit and supplement its motion for default judgment with evidence of additional amounts owed and granted numerous extensions of time to allow completion of the audit. In its last order granting an extension of time for the supplement to the motion for default judgment (Doc. 33), the Court allowed the plaintiffs until August 29, 2008, nearly three weeks more than they requested, and warned the plaintiffs that no further extensions of time would be granted. It further warned the plaintiffs, “Should Plaintiffs fail to timely supplement its motion, the Court will rule on the motion as it is currently supported.”

On August 29, 2008, the plaintiffs moved for an additional extension of time to September 12, 2008,, representing to the Court that the audit would be complete by September 5, 2008 (Doc. 34). The Court has not ruled on the motion, but neither have the plaintiffs’ filed their supplement.

As the Court warned it would in its last order granting an extension of time (Doc. 33), the Court will rule on the motion for default judgment as currently supported. Accordingly, the Court **GRANTS** the motion for default judgment (Doc. 13) and motion to supplement the motion for default judgment (Doc. 16) and **DIRECTS** the Clerk of Court to enter default judgment in favor of plaintiff Trustees

of Central Laborers' Pension, Welfare & Annuity Funds and against defendants JLR Concrete Service, Inc., Jeff Ramage and Julie Ramage in the amount of twenty thousand, eight hundred ninety-eight dollars and eighty-two cents (\$20,898.82) plus two thousand, thirty dollars and ninety-one cents (\$2,030.91) in attorney's fees and court costs for a total judgment of twenty-two thousand, nine hundred twenty-nine dollars and seventy-three cents (\$22,929.73). The motion for an extension of time (Doc. 34) is **DENIED**.

IT IS SO ORDERED.

DATED: September 18, 2008

s/ J. Phil Gilbert
J. PHIL GILBERT, DISTRICT JUDGE